

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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37 C.F.R. §1.10

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Peter J. Manso

November 9, 2000
Date

In re Application of: Jack L. Aronowitz, *et al.*
Serial No.: 09/297,649
Filing Date: September 11, 1998
International Filing Date: September 11, 1998
Priority Date: September 11, 1997
PCT Appln. No.: PCT/US98/19190
Group Art Unit:
Title: *Noninvasive Transdermal Systems for Detecting an Analyte*

BOX PCT

Attention PCT Legal Office
Assistant Commissioner of Patents
Washington, D.C. 20231

PETITION FOR RECONSIDERATION OF RENEWED PETITION

This responds to the Decision dated November 2, 2000 which dismissed as moot the Renewed Petition under 37 C.F.R. §1.47(a) filed July 10, 2000 (hereinafter, "Renewed Petition").

Reconsideration of the Renewed Petition is respectfully requested.

According to the decision, the declaration that was executed by the previous non-signing co-inventor, Joel Mitchen, which accompanied the Renewed Petition, did not recite thereon the other co-inventor, Jack L. Aronowitz.

Submitted herewith is an original declaration executed by Joel R. Mitchen on November 7, 2000, which recites thereon the other co-inventor, Jack L. Aronowitz. Also submitted herewith is a copy of the declaration executed by Jack L. Aronowitz, which recites thereon Joel R. Mitchen as a co-inventor.

On December 7, 1999, a Petition to accept the above-identified application for U.S. patent without signature of co-inventor Joel R. Mitchen was filed (hereinafter, "Petition"). On January 10, 2000, a Decision dismissing the Petition was issued.


On July 10, 2000, the Renewed Petition was filed. A Decision dismissing the Renewed Petition as moot was issued on November 2, 2000.

In view of the fact that the new declaration executed by Joel R. Mitchen, submitted herewith, now complies with 37 C.F.R. §1.497, Petitioner respectfully submits that the Renewed Petition is no longer moot and, therefore, should be reconsidered. Petitioner further respectfully submits that sufficient facts and evidence have been presented to demonstrate that every diligent effort was made to locate Joel R. Mitchen in a timely fashion prior to the expiration of the response period to file a response to the Notice to File Missing Parts.

Accordingly, Petitioner respectfully submits that (i) the Decision to dismiss the Petition under 37 C.F.R. §1.47(a) and (ii) the Decision to dismiss as moot the Renewed Petition be reversed, and that grant of the Petition, Renewed Petition and this Petition for Reconsideration is earnestly solicited.

Respectfully Submitted,

Date: November 9, 2000


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